

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

02316.1662USWO

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/505,312

Filed

August 10, 2005

First Named Inventor

Loeffelholz et al.

Art Unit

2831

Examiner

Hung V. Ngo

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Robert A. Kalinsky/

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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Signature

Typed or printed name

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Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

March 24, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.5. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Loeffelholz et al.	Examiner:	Hung V. Ngo
Serial No.:	10/505,312	Group Art Unit:	2831
Filed:	August 10, 2005	Docket No.:	02316.1662USWO
Customer No.:	23552	Confirmation No.:	6009
Title:	EMI Shielded Module		

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ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

This is in support of the Pre-Appeal Brief Request for Review that is filed herewith. Reconsideration and allowance are requested for at least the following reasons.

I. Statutes, Laws, and Rules

To render a claim obvious, one or more references must teach every claim limitation. 35 U.S.C. 103(a); MPEP 2141. A proposed modification cannot render a prior art reference unsatisfactory for its intended purpose. MPEP 2143.01(V). Official notice unsupported by documentary evidence should only be taken where the facts asserted to be well-known are capable of instant and unquestionable demonstration as being well-known. MPEP 2144.03.

II. Analysis

A. Claim Rejections – Anderson and Duncan

In the Final Action, claims 41, 45-61, and 65-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 5,909,155, in view of Duncan et al., U.S. Patent No. 6,459,571. This rejection is respectfully traversed, and the correctness of the rejection is not conceded. Reconsideration is requested for the following reasons.

Claim 41

Claim 41 is directed to a module for containing a circuit, the module including at least one receptacle defined through the front wall for receiving a circuit component. Claim 41 recites, in part, a non-metallic cover for covering the receptacle, wherein the cover has a transparent plastic construction.

It can be advantageous to use a transparent plastic cover so that a technician can readily read the pad values through the cover without requiring removal. Application, p. 14, ll. 32-33.

The Final Action states that it would have been obvious to make the cover disclosed by Anderson using non-metallic and plastic materials. Final Action, p. 7. However, such a modification cannot be made because the substitution of a plastic material for the metallic cover 100 disclosed by Anderson would render the cover unusable for its intended purpose for the following reasons. See MPEP 2143.01(V) (noting that, “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification”).

In Anderson, cover 100 is made of an electrically conductive material such as metal to provide adequate EMI shielding. Anderson, column 5, lines 22-33. If cover 100 is instead made of plastic, as suggested in the Final Action, cover 100 would not provide EMI shielding and would therefore be unsatisfactory for its intended purpose. Consequently, there is no motivation to make the suggested substitution of plastic for the metal cover disclosed by Anderson.

The Final Action states that a plastic cover would satisfy the intended purpose of the cover disclosed by Anderson if all attenuators 64-1 to 64-8 are plugged in. Final Action, p. 8. This statement is not relevant, since the purpose of the cover is to attenuate unplugged receptacles. Anderson, col. 6, ll. 15-20. The cover disclosed by Anderson cannot perform this purpose if it is made of plastic.

Reconsideration and allowance of claim 41 are therefore requested.

#### Claims 45-61 and 65

Claim 45 recites, in part, a receptacle being configured as a RF choke that chokes RF emissions generated within the housing to a level such that the module radiates signals that are 100 db down or better from a carrier across a frequency range of 5 megahertz to 1 gigahertz even in the absence of a cover over the receptacle.

The Final Action concedes that Anderson lacks such as disclosure. Final Action, p. 5. The Final Action fails to even identify any disclosure in Duncan that suggests such attenuation. For example, Duncan discloses an attenuation of about 12 db with a carrier wave of 2.488 gigahertz. Duncan, col. 9, ll. 6-13. Duncan therefore also fails to disclose signals that are 100 db

down or better from a carrier across a frequency range of 5 megahertz to 1 gigahertz, as recited by claim 45.

Reconsideration and allowance of claim 45, as well as claims 46-61 and 65 that depend therefrom, are therefore requested.

#### Claim 66

Claim 66 recites a receptacle including at least one guide surface for channeling the plug into the plug connector when the plug is inserted into the receptacle, the at least one guide surface being configured such that misalignment of the plug relative to the plug connector is not possible during the insertion process.

One example of such a guiding surface is shown in Figure 15 of the present application, in which the receptacles 314-1 to 314-8 each have a generally rectangular configuration and are defined by two opposing primary receptacle surfaces 377 and two opposing secondary receptacle surfaces 379. The major and minor surfaces 377, 379 of the receptacle walls function as guide surfaces for channeling the attenuator pads 290-1 to 290-8 into the pad connectors 336-1 to 336-8 during insertion of the attenuator pads 290-1 to 290-8. The receptacles 314-1 to 314-8 are preferably sized such that misalignment of the attenuator pads 290-1 to 290-8 relative to their corresponding connectors 336-1 to 336-8 is not possible during the insertion process.

The Final Action concedes that Anderson lacks such as disclosure. Final Action, p. 5. Duncan likewise fails to disclose such a configuration. For example, Duncan fails to disclose or suggest that the walls 18, 20, 22, 24 of the shield 10 perform as guides for the fiber optic cables 38.

The Final Action simply states that it is “well known” in the electrical art to select a specific dimension of a receptacle. Final Action, p. 7. Such a statement is improper, since the statement is a purported factual conclusion that fails to provide evidence that the purported facts are capable of instant and unquestionable demonstration as being well-known. MPEP 2144.03. As such, the rejection is improper.

Reconsideration and allowance of claim 66 are requested.

#### Claim 67

Claim 67 recites, in part, placing a transparent plastic cover over the receptacle. As previously noted, Anderson cannot be modified to include a plastic cover because modification of Anderson to include a plastic cover would render the cover unusable for its intended purpose. Reconsideration and allowance of claim 67 are therefore requested.

#### B. Claim Rejections – Anderson, Duncan, and Fishman

Claims 24 and 62-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Duncan and further in view of Fishman, U.S. Patent No. D440,558. This rejection is respectfully traversed, and the correctness of the rejection is not conceded. Reconsideration is requested for the following reasons.

#### Claim 24

Claim 24 recites, among other limitations, that the receptacle is defined through a raised platform located at an outer face of the front wall, and that the outer face is contoured such that the front wall has a greater thickness adjacent a mid-region of a width of the front wall as compared to side regions of the width.

One example of such a front wall is shown in Figures 15 and 16 of the present application. Receptacles 314-1 to 314-8 are defined through two raised, generally planar platforms 380 located at the front face of the front wall 316. The contoured configuration of the front wall 316 causes the front wall 316 to have a greater thickness at a mid-region of the width  $w$  as compared to the side regions of the width  $w$ . The contoured regions 386 provide a gradual transition between the raised platforms 380 and recessed side regions 385 of the front wall 316 such that the platforms 380 are thicker than the side regions 385.

The Final Action concedes that Anderson and Duncan fail to disclose such a configuration. Instead, the Final Action cites Fishman for disclosing the noted configuration. See Final Action, pp. 8 and 9. Fishman discloses an ornamental design for a cover for a television control panel.

Fishman fails to disclose or suggest that a receptacle is defined through a raised platform located at an outer face of the front wall, and that the outer face is contoured such that the front wall has a greater thickness adjacent a mid-region of a width of the front wall as compared to

side regions of the width, as required by claim 24. For example, the cover disclosed by Fishman lacks any receptacles. Further, the Final Action fails to describe how or why one skilled in the art would incorporate the ornamental design for the television cover into the telecommunication modules disclosed by Anderson and Duncan.

Reconsideration and allowance of claim 24 are therefore requested.

#### Claim 62-64

Claims 62-64 depend from claim 45 and are allowable for at least the same reasons as those provided above for claim 45. In addition, claims 62-64 further define over the art of record. For example, these claims recite the following limitations:

- claim 62 - the wall includes an outer face, and wherein the receptacle is defined through a raised platform located at the outer face;
- claim 63 - a cover for covering the receptacle, wherein the housing defines a slot that extends about a perimeter of the raised platform, and wherein the slot is sized to receive an edge of the cover; and
- claim 64 - the wall has a width, and wherein the outer face is contoured such that the wall has a greater thickness adjacent a mid-region of the width as compared to side regions of the width.

None of the art of record discloses or suggests such limitations. Reconsideration and allowance are requested.

#### III. Conclusion

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. Please contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,  
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